

BILL NO. S-72-10- 03

SPECIAL ORDINANCE NO. S- 87-72

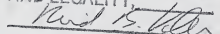
AN ORDINANCE approving a contract with NORTHEASTERN ENTERPRISES, INC. for construction of Main Sanitary Sewer and Laterals in the area of Maplecrest Road and Vance Avenue.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract approved September 28, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and NORTHEASTERN ENTERPRISES, INC. for construction of Main Sanitary Sewer and Laterals in the area of Maplecrest Road and Vance Avenue all as more particularly set forth in said contract, which is on file in the office of the Board of Public Works and is by reference incorporated herein and made part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY  
  
CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on City Utilities (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 10-10-72

Charles W. Titusman  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed (~~last~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
Burns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kraus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nuckols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Talarico	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date 10/24/72

Charles W. Titusman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. S-87-72 on the 24th day of October, 19 72.

ATTEST (SEAL)

Charles W. Titusman  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 19 72 at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Titusman  
CITY CLERK

Approved and signed by me this 30th day of October, 197 2 at the hour of 10:00 o'clock A.m., E.S.T.

Lawrence H. Schardt  
MAYOR

Bill No. S-72-10-03

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving a contract with NORTHEASTERN ENTERPRISES, INC. for  
construction of Main Sanitary Sewer and Laterals in the area  
of Maplecrest Road and Vance Avenue.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

Paul M. Burns, Chairman

Eugene Kraus, Jr. - Vice-Chairman

Donald J. Schmidt

William T. Hinga

Winfield C. Moses, Jr.

CONCURRED IN

DATE 6-24-72 CHARLES W. WESTERMAN, CITY CLERK



## THE CITY OF FORT WAYNE

board of public works

58-321-9

October 2, 1972

Mr. David B. Keller  
Associate City Attorney  
825 Anthony Wayne Bank Building  
Fort Wayne, Indiana

Dear Mr. Keller:

Please prepare an Ordinance to be introduced in the Common Council Tuesday, October 10, 1972 for the following:

SEWER AGREEMENT with Northeastern Enterprises, Inc. for construction of Main Sanitary Sewer and Laterals in the area of Maplecrest Road and Vance Avenue.

Yours truly,

Jerry D. Boswell  
Ronald L. Bonar  
William G. Williams  
BOARD OF PUBLIC WORKS

/ss

Enclosure: Copy of Agreement

58-321-9

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Associate City Attorney  
825 Anthony Wayne Bank Building  
Fort Wayne, Indiana

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Yours truly,

Jerry D. Boswell  
Ronald L. Bonar  
William G. Williams  
BOARD OF PUBLIC WORKS

/ss

Enclosure: Copy of Agreement

A G R E E M E N T F O R  
S A N I T A R Y  
S E W E R E X T E N S I O N

THIS AGREEMENT, made in triplicate this 21 day of September, 1972 by and between NORTHEASTERN ENTERPRISES, INC., hereinafter referred to as "Developer", and the CITY OF FORT WAYNE, INDIANA, an Indiana Municipal Corporation, hereinafter referred to as "City",

W I T N E S S E T H:

WHEREAS, the Developer desires to construct a sanitary sewer described as follows:

Main Sanitary Sewer #1:

Commencing at the intersection of Pawawna Drive and Maplecrest Road; thence, Westerly a distance of 40 ± L.F.; thence, Northerly in and along Maplecrest Road a distance of 739 ± L.F. in a proposed 14 foot easement; thence, Westerly in and along a proposed easement South of the South right-of-way of Vance Avenue a distance of 721 ± L.F. terminating at a proposed manhole "F".

Main Sanitary Sewer #2:

Commencing at the above mentioned manhole "F"; thence, Northerly in and along the East right-of-way of Bristers Spring Run a distance of 380 ± feet terminating at a proposed bulkhead.

Main Sanitary Sewer #3:

Commencing at a proposed manhole "F"; thence, Southwesterly in and along the South right-of-way of Vance Avenue a distance of 800 ± feet; thence, Westerly in and along Vance Avenue a distance of 345 ± feet, terminating at proposed manhole "I".

Sanitary Lateral "D":

Commencing at proposed manhole "D" on Main Sanitary #1; thence, Northerly in and along the East right-of-way of Chelmsford Place a distance of 380 ± feet terminating at manhole D-1.

Sanitary Lateral "E":

Commencing at proposed manhole "E" on Main Sanitary #1; thence, Northerly in and along the East right-of-way of Merrimack Place a distance of 380 ± feet terminating at proposed manhole E-1.

in accordance with plans, specifications and profiles heretofore submitted to the City and now on file in the office of the Chief Engineer of the Water Pollution Control Engineering Department of the City and known as Sanitary Sewers To Serve Walden Addition, Section I, which plans, specifications and profiles are by reference incorporated herein and made a part hereof, which sewer shall serve only the land in which the Developer has an interest.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

### 1. CONSTRUCTION OF SEWER

The Developer shall cause said sewer to be constructed and located in accordance with said plans, specifications and profiles, all approved by the City, under private contract after requisite City approval. All work and materials shall be subject to inspection by City and the right of City to halt construction if there shall be non-compliance therewith. Said sewer shall not be deemed permanently connected into the sewer system of City until final acceptance by City. Upon completion, said sewer shall become the property of City and City shall accept sewage therefrom, subject to such sewage service charges as may now or hereafter be regularly established by City, and all further maintenance thereafter shall be borne by City.

### 2. COST OF CONSTRUCTION

The Developer agrees to pay the entire cost and expense of construction of said sewer, in cash, including City inspection fees, and to hold the City harmless from any liability for claims connected therewith.

### 3. AREA OF DEVELOPER

Said sewer when accepted by the City will serve the following described real estate:

Part of the Southeast Quarter of Section 28, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows: Beginning at a point on the East line of the Southeast Quarter of Section 28, Township 31 North, Range 13 East, Allen County, Indiana, said point bearing North 46 minutes East a distance of 500.0 feet from the Southeast corner of said Southeast Quarter of Section 28; thence North 89 degrees 25 minutes West a distance of 740.2 feet; thence South 69 degrees 9 minutes 44 seconds West a distance of 125.12 feet; thence South 57 degrees 37 minutes 30 seconds West a distance of 723.0 feet; thence South 35 minutes 30 seconds West a distance of 57.0 feet; thence North 89 degrees 24 minutes 30 seconds West a distance of 87.0 feet; thence North 17 degrees 1 minute 50 seconds West a distance of 321.9 feet; thence North 57 degrees 37 minutes 10 seconds East a distance of 260.0 feet; thence North 32 degrees 22 minutes 50 seconds West a distance of 155.0 feet; thence North 14 degrees 53 minutes 50 seconds West a distance of 142.0 feet; thence North 35 degrees 34 minutes 10 seconds East a distance of 146.6 feet; thence North 78 degrees 14 minutes 29 seconds East a distance of 97.08 feet; thence North 60 degrees 21 minutes 10 seconds East a distance of 240.0 feet; thence North 64 degrees 20 minutes 10 seconds East a distance of 97.0 feet; thence North 80 degrees 57 minutes 10 seconds East a distance of 269.0 feet; thence South 35 minutes West a distance of 56.7 feet; thence South 89 degrees 25 minutes East a distance of 834.9 feet to the East line of the Southeast Quarter of Section 28, aforesaid; thence South 46 minutes West along the East line of the Southeast Quarter of Section 28 a distance of 501.0 feet to the point of beginning, containing 21.638 acres of land.

As the Developer will pay the cost of construction of said sewer as it pertains to the above described area, no charge or assessment is made by this agreement against the above described real estate for the construction of said sewer by the present or future owners of said real estate except only as caused



cap-in permit fees, inspection fees and monthly sewage treatment charges as are customarily charged by the City for connections to City sewer mains and treatment of sewage therefrom.

#### 4. CHARGE AGAINST AREA

An area connection charge of \$300.00 per Acre must be paid to the City at the time of connection. This connection charge is in addition to any local charge as set forth above and represents the oversizing cost expended by the City for sewer line pertaining to Pierson Ditch Interceptor - Resolution No. 145-1064 and Resolution No. 146-1964, adopted by resolution of the Board of Works on September 14, 1964.

#### 5. BOND

This contract is subject to the Developer furnishing a satisfactory Guaranty Bond for 25% of the value of the sewer, which shall guarantee said sewer against defects for a period of one year from the date of final acceptance of said sewer by the City.

#### 6. LIMITATION ON USE

Said sewer shall be constructed for disposal of sanitary sewage only and neither the parties hereto, their successors, or assigns, or any future owners of any land serviced by said sewer, shall, at any time, discharge or permit to be discharged or to flow into said sanitary sewer, any water runoff caused by natural precipitation or anything other than sanitary sewage or contaminated waste.

#### 7. COUNCILMANIC APPROVAL

It is understood and agreed that this contract is in all respects subject to approval by the Common Council of City, by duly adopted Ordinance, and if such Ordinance is not adopted within a period of ninety (90) days after execution thereof, this contract shall be null and void and of no further force and effect.

IN WITNESS WHEREOF, the parties have subscribed to this Agreement the day and year first above written.

NORTHEASTERN ENTERPRISES, INC.

By: 

J. L. Zehr  
CITY OF FORT WAYNE, INDIANA

By: 

Ivan A. Lebanioff, Mayor



BOARD OF PUBLIC WORKS

By

By

By

SEP 28 1972

ATTEST:

Edna L. Smith  
Clerk

Approved as to form and legality:

John H. Logan  
Associate City Attorney

This instrument prepared by Philip R. Boller, Registered Land Surveyor No. 9846, State of Indiana.

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared J. L. Zehr, who acknowledge the execution of the foregoing agreement for sewer extension, as and for his voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal, this 21st day of September, 1972

Arlene K. Duncan  
Arlene K. Duncan, Notary Public

My Commission Expires:

May 25, 1974

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ivan A. Lebamoff, Mayor; Jerry D. Boswell, Chairman, Board of Works; Ronald L. Bonar, Member, Board of Works; and William G. Williams, Member, Board of Works, who acknowledged the execution of the foregoing agreement for sewer extension, as their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal, this 28th day of September, 1972

Anne J. Fox

My Commission Expires:

March 6, 1976

# ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	D-72-10-03
ORDINANCE NO.	D-87-72
<input checked="" type="checkbox"/> REGULAR SESSION	10-10-72
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	Kieker
BILL WRITTEN BY	Board of Public Works
DATE INTRODUCED	10-10-72
REFERRED TO SAID STANDING COMMITTEE	Board City Utilities
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	10-24-72
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	agreement for sanitary sewer extension
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	Dr. Beavell
	COMMUNICATIONS FROM
	agreement for sanitary sewer extension
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

## COUNCILMAN'S VOTE

	9	0	
	AYES	NAYS	ABSENT
BURNS	X		
HINGA	X		
KRAUS	X		
MOSES	X		
NUCKOLS	X		
D. SCHMIDT	X		
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS: